

Peter C. Harvey
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, New York 10036
Phone: (212) 336.2810
Facsimile: (212) 226.2222
Email: pcharvey@pbwt.com

*Attorneys for Plaintiffs Soundview Elite LTD.,
and Vanquish Fund Ltd.*

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	:	SOUTHERN DISTRICT OF NEW YORK
	:	
	:	
SOUNDVIEW ELITE LTD., and	:	
VANQUISH FUND LTD.,	:	
	:	
Plaintiffs,	:	Civil Action No. 13 cv 06895 (AT)
	:	
-against-	:	
	:	CERTIFICATION OF PETER C. HARVEY,
GERTI MUHO and LEVERAGED	:	ESQ. PURSUANT TO FED. R. CIV. P. 65(B)
HAWK, INC.	:	
	:	
Defendants.	:	
-----	x	

I, PETER C. HARVEY, hereby certify:

1. I am an attorney with the firm of Patterson Belknap Webb & Tyler LLP, attorneys for Vanquish Fund Ltd. ("Vanquish Fund") and Plaintiffs Soundview Elite Ltd. ("Soundview") in the above-entitled action. I submit this Certification, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, in support of Plaintiffs' application for an *ex parte* temporary restraining order freezing the assets of Defendants Gerti Muho ("Muho") and Leveraged Hawk, Inc. ("Leveraged Hawk"). I am fully familiar with the facts set forth in this Certification.

2. Leveraged Hawk was duly served with process on October 1, 2013. Service of process was effected on Muho on October 2, 2013.

3. Notice of Plaintiffs' application should not be required because it will afford Defendants an opportunity to further dissipate assets wrongfully converted from Plaintiffs, thereby frustrating any final judgment Plaintiffs may receive in the underlying action.

4. As evidenced by the Debit Advice attached to this Certification as **EXHIBIT A** and as alleged in Plaintiffs' Complaint, on August 8, 2013 Muho effected an entirely unauthorized transfer of over \$2,067,377.24, from Vanquish Fund's and/or Soundview's HSBC account to a Citibank account of which Leveraged Hawk is the beneficiary.

5. Plaintiffs have reason to believe that Muho has already improperly used a portion of these stolen funds to finance litigation pending in the Delaware Superior Court under Civil Action Number N13C-06-156 ("the Delaware Action").

6. Specifically, on July 30, 2013, just one week prior to the August 8 transfer, during a teleconference, Muho stated to a judge of the Delaware Superior Court that he could not afford to hire counsel represent Leveraged Hawk in a civil action pending in that court. (*See* Affidavit of Jane Metcalf, Esq., dated October 9, 2013) By August 15, 2013, a mere two weeks after that teleconference and one week after the transfer, Muho had formally retained the law firm of Wilks, Lukoff & Bracegirdle LLP to represent Leveraged Hawk in the Delaware action. Given these circumstances, Plaintiffs fear that Muho has used, and will continue to use, money stolen from Plaintiffs for Leveraged Hawk's benefit and his personal gain.

7. Entry of a temporary restraining order without notice will prevent further dissipation of Plaintiffs' assets pending a further hearing, which can be set forthwith.


PETER C. HARVEY

Sworn before me this 11th day of October 2013.

Margaret A. Bello
Notary Public

My commission expires

